



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,560

03/11/2004

Yoshimichi Nishio

040112

4831

23850

7590

06/22/2007

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

ALUNKAL, THOMAS D

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,560

Applicant(s)

NISHIO ET AL.

Examiner

Thomas D. Alunkal

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 and 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed 3/28/07, with respect to claim 7 have been fully considered and are persuasive. The previous 35 USC 101 rejection of claim 7 has been withdrawn.

Regarding independent claims 1 and 6-10, applicant's arguments have been fully considered but they are not persuasive.

Newly amended claims 1 and 6-10 now incorporate the subject matter of cancelled claim 3. Namely, the wobble determination unit does not make a determination when no key-bunch information is detected. As stated in the previous Office Action dated 1/11/07 regarding claim 3, the Examiner cites Paragraph 0044 of Tosaki. Here, the prevention of playback occurs when key-bunch/control information is present (i.e., there is information to protect). Thus, if key-bunch/control information is not present, the determination whether the disc is writable or non-writable does not occur. More specifically, lines 4-7 of Paragraph 0044 state, "Thus, ***if the data information is protected by the copyright***, the playback of the DVD is prevented". Emphasis is added to bold/italicized portion which implies that only when key information is present, will the apparatus prevent playback (which itself includes the need the detect wobble). Therefore, wobble is not detected (and does not need be detected) when key-information is not detected. This is further evidenced by reference's Abstract. Here, it is clearly stated that the function of detecting wobble is an added protective measure in addition to the detection of key-bunch information.

Art Unit: 2627

Thus, when key-bunch information is not detected (there is no requirement to protect data), the detection of wobble is not performed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,4 and 6-10 rejected under 35 U.S.C. 102(b) as being anticipated by Tosaki et al (hereafter Tosaki) (EP 1,067,544 A1).

Regarding claim 1, Tosaki discloses an information processing device (Figure 1) comprising: a key-bunch determination unit which determines whether key-bunch information is recorded on a recording medium or not (Paragraphs 39-40 and Figure 1, Elements 3 and 13. Specifically, key information for deciphering the data information is played back by the optical pickup), a wobble determination unit which determines whether the recording medium has a wobble or not if the key-bunch determination unit determines that the key-bunch information is recorded (Figure 1, Element 10 and Paragraph 41. Here, because key information has been detected, wobble signals are detected), and if they key-bunch determination unit determines that no key-bunch information is recorded, does not determine whether the recording medium has wobble or not (Paragraph 0044. Here, the prevention of playback occurs when key-bunch/control

Art Unit: 2627

information is present (i.e., there is information to protect). Thus, if key-bunch/control information is not present, the determination whether the disc is writable or non-writable does not occur), and a restriction unit which restricts an operation of reproduction from the recording medium if the wobble determination unit determines that the recording medium has a wobble (Paragraphs 41-42 and Figure 1, Element 15. Specifically, disk judging means takes input from the wobble detecting means and judges the disk to have wobble).

Regarding claim 2, Tosaki discloses a disk distinction unit which distinguishes the type of the recording medium (Figure 1, Element 14), wherein if the disk distinction unit determines that the recording medium is of a type capable of recording key-bunch information, the key-bunch bunch unit then determines whether key-bunch information is recorded on the recording medium (Figure 1, Element 13 and Paragraph 41. Specifically, protective condition judging means determines if there is code indicating the existence of copyright protection).

Regarding claim 4, Tosaki discloses wherein the restriction unit restricts the operation of reproduction by inhibiting reproduction from the recording medium (Paragraph 42).

Regarding claim 6-8, these claims contain limitation similar to those in claim 1 and are rejected over the same grounds.

Regarding claim 9, Tosaki discloses a player comprising: a reading unit which reads information recorded on a recording medium (Figure 1, Element 3), a detection unit which detects a wobble of the recording medium (Figure 1,

Art Unit: 2627

Element 10), a processing unit which processes the information read by the reading unit to make the information reproducible (Figure 1, Element 7), and an information processing device comprising a key-bunch determination unit which determines whether key-bunch information is recorded on the recording medium or not (Figure 1, Element 13), a wobble determination unit which determines whether the recording medium has a wobble or not if the key-bunch determination unit determines that the key-bunch information is recorded (Figure 1, Element 10 and Paragraph 44) and, if the key-bunch determination unit determines that no key bunch information is recorded, does not determine whether a wobble is detected or not (Paragraph 0044. Here, the prevention of playback occurs when key-bunch/control information is present (i.e., there is information to protect). Thus, if key-bunch/control information is not present, the determination whether the disc is writable or non-writable does not occur) a restriction unit which restricts an operation of reproduction from the recording medium if the wobble determination unit determines that the recording medium has a wobble (Paragraphs 41-42 and Figure 1, Element 15. Specifically, disk judging means takes input from both wobble detecting means and judges the disk to have wobble).

Regarding claim 10, this claim contains limitations similar to those in claim 9 and is rejected over the same grounds.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki and in view of Applicant's Admitted Prior Art (AAPA).

Tosaki does not disclose the further key-bunch information limitations of claim 5. In the same field of endeavor, Applicant's Admitted Prior Art discloses that well known conventional methods for prohibiting illegal copies of media contain key-bunch information which is an MKB (Media Key Block) used in CPPM (Content Protection for Prerecorded Media) and CPRM (Content Protection for Recordable Media).

It would have obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the Tosaki's method of preventing illegal use of an optical disk with the Applicant's Admitted Prior Art of the well known copyright protection features MKB (Media Key Block) used in CPPM (Content Protection for Prerecorded Media) and CPRM (Content Protection for Recordable Media), motivation being to increase copy protection and reduce illegal copying.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Alunkal/
Examiner Art Unit 2627



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER